

**EXHIBIT JN9**

Gillian M. Ross (Bar No. 127116)  
Leonard E. Marquez (Bar No. 206885)  
**WENDEL, ROSEN, BLACK & DEAN LLP**  
1111 Broadway, 24th Floor  
Oakland, CA 94607-4036  
Telephone: (510) 834-6600  
Fax: (510) 834-1928

Attorneys Specially Appearing for Defendants  
D.R. Horton, Inc., DHI Mortgage Company, Ltd.,  
Donald Horton, Donald Tomnitz, Michael Mason,  
Daniel Callihan, Annie Schankin and James Frasure

**ENDORSED  
FILED**  
San Francisco County Superior Court

FEB 15 2007

**GORDON PARK-LI, Clerk**  
BY: MARJORIE SCHWARTZ-SCOTT  
County Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

PATRICE A. MISSUD, JULIE D.  
MISSUD,

Plaintiffs,

vs.

D.R. HORTON, INC.; DHI MORTGAGE  
COMPANY, LTD., LP; DONALD  
HORTON; DONALD TOMNITZ;  
MICHAEL MASON; DANIEL  
CALLIHAN; ANNE SCHANKIN; JAMES  
FRASURE; DOES 1-200,

Defendants.

Case No. CGC 06-457207

**[PROPOSED] ORDER (1) SUSTAINING  
MOTION TO QUASH SERVICE OF  
SUMMONS AND COMPLAINT AND (2)  
TAKING OFF-CALENDAR MOTION TO  
DECLARE PATRICE MISSUD A  
VEXATIOUS LITIGANT**

Date: February 15, 2007  
Time: 9:30 a.m.  
Dept: 301  
Judge: Hon. Peter J. Busch

1 After full consideration of the (1) Motion to Quash Service of Summons and Complaint  
2 and/or to Stay or Dismiss on the Grounds of Forum *Non Conveniens* and (2) Motion to Declare  
3 Patrice Missud a Vexatious Litigant filed by defendants D.R. Horton, Inc., DHI Mortgage  
4 Company, Ltd., Donald Horton, Donald Tomnitz, Michael Mason, Daniel Callihan, Annie  
5 Schankin and James Frasure ("Defendants"), the papers submitted by the parties in support and in  
6 opposition thereto, and the arguments of counsel,

7 IT IS HEREBY ORDERED, DECREED AND AJUDGED that:

8 1. Defendants' Motion to Quash Service of Summons and Complaint ("Motion to  
9 Quash") is SUSTAINED.

10 2. The Court finds that plaintiffs have failed to carry their burden of showing general  
11 or special jurisdiction over any defendant.

12 3. Defendants' Motion to Declare Patrice Missud a Vexatious Litigant is ordered off-  
13 calendar, without prejudice, in light of the Court's sustaining of Defendants' Motion to Quash.

14 4. Pursuant to Code of Civil Procedure sections 418.10 and 581(h), the Clerk of the  
15 Court is hereby directed to enter forthwith a dismissal, without prejudice, of plaintiffs' entire  
16 complaint as to all defendants in this action.

17  
18 Dated: FEB 15 2007

**PETER J. BUSCH**

Judge of the Superior Court

**PETER J. BUSCH**